

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 305

Citations Affected: IC 9-13-2-170.7; IC 9-21-5-14; IC 9-21-12; IC 20-27-3-4; IC 20-27-3-7.

Synopsis: Special purpose buses, emergency exits on buses. Conference committee report for ESB 305. Requires a special purpose bus to stop before crossing railroad tracks. Provides that a special purpose bus may not be operated at a speed greater than fifty-five (55) miles per hour. Provides that a school bus or special purpose bus may not be operated with passengers on board if an exit or emergency exit window is obstructed, and makes a violation a Class B infraction. Allows the state school bus committee to adopt rules concerning special purpose buses. **(This conference committee report removes provisions requiring a local authority to perform an engineering and traffic investigation under certain circumstances in order to change speed limits and provisions concerning the interrogation of students by law enforcement officers.)**

Effective: July 1, 2006.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 305 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-13-2-170.7 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2006]: **Sec. 170.7. "Special purpose bus" has**
- 5 **the meaning set forth in IC 20-27-2-10.**
- 6 SECTION 2. IC 9-21-5-14, AS ADDED BY P.L.1-2005, SECTION
- 7 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 8 2006]: Sec. 14. (a) A person may not operate a school bus **or a special**
- 9 **purpose bus** at a speed greater than:
- 10 (1) fifty-five (55) miles per hour on a federal or state highway; or
- 11 (2) forty (40) miles per hour on a county or township highway.
- 12 (b) If the posted speed limit is lower than the absolute limits set in
- 13 this section or if the absolute limits do not apply, the maximum lawful
- 14 speed of a bus is the posted speed limit.
- 15 SECTION 3. IC 9-21-12-11, AS AMENDED BY P.L.231-2005,
- 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of
- 18 this chapter commits a Class C infraction.
- 19 (b) A person who knowingly or intentionally violates section 12, 13,
- 20 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.
- 21 (c) **A person described in section 18(b), 18(c), or 18(d) of this**

chapter commits a Class B infraction.

SECTION 4. IC 9-21-12-17, AS ADDED BY P.L.1-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus **or special purpose bus** carrying a passenger shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train;
- and
- (3) look for signals indicating the approach of a train.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 5. IC 9-21-12-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) **Whenever a school bus or special purpose bus is at a place of departure for transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:**

- (1) **inhibits or obstructs an exit; or**
- (2) **renders the means of exit hazardous.**

(b) **A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.**

(c) **A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.**

(d) **A school corporation or an entity that employs:**

- (1) **a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or**
- (2) **a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);**

is subject to section 11(c) of this chapter.

SECTION 6. IC 20-27-3-4, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The committee has the following powers:

- (1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses **and special purpose buses**, including minimum standards for the construction of school

buses **and special purpose buses** necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses **and special purpose buses**, including minimum standards for the equipment of school buses **and special purpose buses** necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses **and special purpose buses**, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses **and special purpose buses** and the issuance of certificate of inspection decals.

(6) The committee may maintain an approved list of school buses **and special purpose buses** that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus **driver** contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 7. IC 20-27-3-7, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A school bus **or special purpose bus** sold or delivered in Indiana must meet the standards of construction and equipment set forth in the rules of the committee.

(b) A school bus may not be originally licensed in Indiana until the school bus has been inspected by the state police department and found to comply with these standards.

(Reference is to ESB 305 as reprinted March 1, 2006.)

Conference Committee Report
on
Engrossed Senate Bill 305

Signed by:

Senator Young R Michael
Chairperson

Representative Hinkle

Senator Rogers

Representative Klinker

Senate Conferees

House Conferees